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REMARKS

Applicant thanks the Examiner for the thoughtful review of the application.

Amendments to the claims are described below in the **PRESENT AMENDMENT**. The status of the claims is as follows:

- i. **Claims 13 – 20, and 22 - 37 are Pending** in the present application;
- ii. **Claims 12 and 21 are Cancelled;**
- iii. **Claim 13** was amended herein; and
- iv. **Claims 1 - 11 and 38 - 40 are Withdrawn**. The Applicant respectfully requests Withdrawn **Claims 1 – 11 and 38 – 40** be rejoined. **MPEP 821.04**

i. PRESENT AMENDMENT

Claim 13 was amended to particularly point out and distinctly claim the subject matter the Applicant regards as the invention. Specifically, **Claim 13** was amended to recite that the semiconductor wafer includes active circuitry previously fabricated on the semiconductor wafer and that the conductive memory devices are formed atop the active circuitry. Support for the amendment can at least be found in the **Specification** as originally filed. For example, Paragraph **0027** of the **Detailed Description** and **FIGS 3 – 9 and 11 of the Drawings**.

Several paragraphs of the **Specification** were amended to include issued U.S. patent numbers for the cited application serial numbers. Paragraph **[0036]** was amended to correct an incorrect application serial number.

No new matter was introduced in amending the application.

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ii. **ARGUMENT**

a. **Rejection of Claims 13, 15, and 20 under 35 U.S.C. §102(b) In view of U.S. 6,150,253 to Doan et al.**

A prima facie case of anticipation under **35 U.S.C. §102(b)** requires every element of a rejected claim to be either explicitly or inherently disclosed in a single prior art reference.

The Applicant respectfully submits that the cited sections of **U.S. 6,150,253 to Doan et al.** (*Doan* hereinafter) do not explicitly or inherently disclose all of the elements of independent **Claim 13**. First, the cited sections of *Doan* do not disclose a semiconductor wafer that includes active circuitry previously fabricated on the semiconductor wafer as is now recited in **Claim 13**. Although *Doan* in col. 6, lines 22 – 39, col. 9, lines 20 – 32, and Figs. 1 – 23 discloses that the substrate 100 is preferably silicon and that the substrate 100 preferably includes a lower electrode grid or an X-Y grid of upper and lower conductors (i.e., electrodes), the cited sections of *Doan* are silent and do not disclose a semiconductor wafer (i.e., the substrate 100) that includes active circuitry. Furthermore, the cited sections of *Doan* are also silent and do not disclose active circuitry previously fabricated on the semiconductor wafer (i.e., the substrate 100).

Finally, the cited sections of *Doan* are silent and do not disclose forming a plurality of conductive memory devices atop active circuitry on a FEOL processed semiconductor wafer (i.e., the substrate 100). Therefore, independent **Claim 13** is patentably distinct, is not anticipated by, and is non-obvious in view of the cited sections of *Doan*. Accordingly, the rejection of independent **Claim 13** under **35 U.S.C. §102(b)** in view of the cited sections of *Doan* ought to now be withdrawn.

Dependent **Claims 15 and 20** depend from independent **Claim 13** and inherit all of its limitations. Consequently, for at least the same reasons as argued in (a) above, it stands that those claims are patentably distinct, are not anticipated by, and are non-

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obvious in view of the cited sections of *Doan*. Therefore, the rejections of dependent **Claims 15 and 20** under **35 U.S.C. §102(b)** in view of the cited sections of *Doan* ought to now be withdrawn.

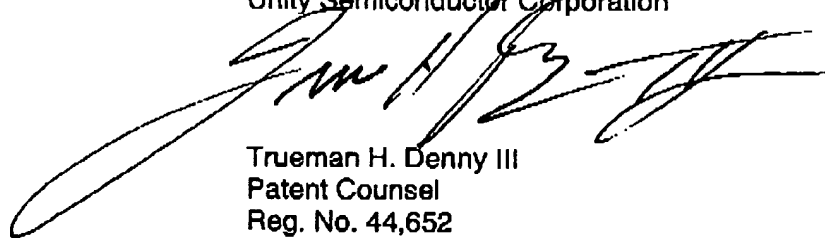
b. Objections to Claims 14 and 16 - 19

Dependent **Claims 14 and 16 - 19** depend from independent **Claim 13** and inherit all of its limitations. Consequently, for at least the same reasons as argued in (a) above, it stands that those claims are patentably distinct, are not anticipated by, and are non-obvious in view of the cited sections of *Doan*. Therefore, the objections to dependent **Claims 14 and 16 - 19** ought to now be withdrawn.

iii. CONCLUSION

Applicant now believes the present case to be in condition for allowance, and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application the undersigned can be reached at (408) 737-7200 x124.

Respectfully submitted,
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